



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,184	11/15/2001	Akio Iguti	01745/LH	4471

1933 7590 11/16/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

STIMPAK, JOHNNA

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,184

Applicant(s)

IGUTI ET AL.

Examiner

Johnna R Stimpak

Art Unit

3623



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a first office action upon examination of application number 09/998184.

Claims 1-28 are pending and have been examined on the merits discussed below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 9, 21 and 28 are rejected under **35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the word “allowing” is indefinite because it is not clear how the method is “allowing” or how the method would “not allow” the client terminal to provide a display for urging a selection input of information. It is also not clear how the client terminal is “allowed” or “not allowed” to display a question, nor is it clear how the client terminal is “allowed” or “not allowed” to display the calculated estimate. The use of the word “urging” is indefinite because it is not clear how a client terminal “urges” a selection input of information. An example of an alternative would be to positively recite the steps as suggested: ...method comprising: a client terminal display for selection input of information... Other instances of the same occur elsewhere within the claims. Please make appropriate corrections.

Information Disclosure Statement

3. The information disclosure statement filed November 15, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherrington et al, US 5,657,233.

As per **claim 1**, Cherrington et al teaches allowing a client terminal to provide a display for urging a selection input of information for identifying each type of product as a repair object (column 6, lines 52-60 – information regarding the repair item is input, in this case, automobile information such as make, model and year of vehicle); subsequently allowing said client terminal to display a question for checking a trouble state of an identified repair object product, when there is the selection input of the information for identifying the repair object product (column 5, lines 9-52 - user is prompted to input repair request information during inspection of repair item,

Art Unit: 3623

system presents inspection categories to select with questions following such as indicating the status of the repair part); identifying a trouble based on an answer and trouble information stored in a trouble information database, when there is the answer to the question from said client terminal (column 6, lines 52-60 – based on the repair object information input into the system, the inspection program accesses a specifications database and only requests information as appropriate for the repair part for the specified make, model and year of vehicle); calculating an estimate of a cost required for a repair of the trouble (column 7, lines 55-67 – a cost estimate for repair is generated); and allowing said client terminal to display the calculated estimate and to provide a display for allowing a client to select presence/absence of a repair request or purchase of a new product (column 7, lines 49-67 – based on the recommended services report, a cost estimate is displayed and the customer can agree to the suggested services and/or part replacements). Cherrington does not explicitly teach calculating and displaying a date of delivery by identification of the trouble, however, it is old and well known in the art of auto repair that a time estimate is determined to indicate how long the repairs will take. The determination of a time estimate is useful in two ways. First, it indicates to the customer how long he/or she will wait for the repair, and also repair shops estimate the amount of time a repair will take to calculate the cost estimate. Not only does the cost estimate include the cost of parts, but it is well known that the cost estimate also factors in labor cost. Therefore it would have been obvious to one of ordinary skill in the art to include a time estimate to improve customer satisfaction and also to calculate a more realistic cost estimate.

As per **claim 2**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5,

Art Unit: 3623

lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 3**, Cherrington et al teaches the client terminal providing a display for urging an input of client information such as a client name, when there is a selection input of the repair request from the client terminal (column 11, lines 44-65 – customer name is input during repair inspection process); and defining acceptance of the repair request, when there is the input of the predetermined client information from said client terminal (column 7, lines 49-67 – customer accepts or declines suggested services).

As per **claim 4**, Cherrington et al teaches diagnosing a repair, requesting customer approval and completing repairs, but does not explicitly teach instructing collection of the repair object product from the client, when the acceptance of the repair request is defined. However, it is inherent to the Cherrington et al system that the repair object, in this case an automobile, would be “collected” to perform the indicated repair work.

As per **claim 5**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 6**, Cherrington et al teaches radio-transmitting money collection information to a radio-mobile terminal, when the acceptance of the repair request is defined (column 9, lines 1-9 – check verification, automatic withdrawal from debit accounts and/or credit card verification is integrated into the point of sale terminal), but does not explicitly teach instructing collection of the repair object product from the client, when the acceptance of the

Art Unit: 3623

repair request is defined. However, it is inherent to the Cherrington et al system that the repair object, in this case an automobile, would be “collected” to perform the indicated repair work.

As per **claim 7**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 8**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 9**, Cherrington et al teaches the limitations as applied to claim 1 and also teaches reading and displaying new product information of the same product type as that of the repair object product from a new product information database (column 7, line 55 – column 8, line 11 – repair part cost from a parts catalog database is also displayed along with the cost estimate).

As per **claim 10**, Cherrington et al does not explicitly teach prohibiting the new product information from being displayed in the client terminal, when a purchase date of the repair object product is within a predetermined period. Cherrington et al teaches accessing a parts catalog database for part information retrieval. It is inherent to the Cherrington et al system that an outdated part (or a part that was purchased long ago) would not be in the system because it would not be available. This is common in replacement parts with the evolution of technology, for example, the exact brake pads for an antique car may not be available, but a newer version

Art Unit: 3623

with an updated part number may be, however, the original part would not be in the system and would not be displayed.

As per **claim 11**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 12**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 13**, Cherrington et al teaches reading the new product information of the same price group and the same product type as those of the repair object product from the new product information database and displaying the new product information in said client terminal (column 7, line 55 – column 8, line 11 – repair part cost from a parts catalog database is also displayed along with the cost estimate; column 6, lines 52-60 – based on the repair object information input into the system, the inspection program accesses a specifications database and only requests information as appropriate for the repair part for the specified make, model and year of vehicle – inherently the repair part is of the same price group of the product that needs repaired since the system only accesses information appropriate for the specified make, model and year of vehicle).

As per **claim 14**, Cherrington et al does not explicitly teach prohibiting the new product information from being displayed in the client terminal, when a purchase date of the repair object

product is within a predetermined period. Cherrington et al teaches accessing a parts catalog database for part information retrieval. It is inherent to the Cherrington et al system that an outdated part (or a part that was purchased long ago) would not be in the system because it would not be available. This is common in replacement parts with the evolution of technology, for example, the exact brake pads for an antique car may not be available, but a newer version with an updated part number may be, however, the original part would not be in the system and would not be displayed.

As per **claim 15**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 16**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 17**, Cherrington et al teaches reading the new product information of the same price group of an estimated amount and the same product type as those of the repair object product from the new product information database and displaying the new product information in said client terminal (column 7, line 55 – column 8, line 11 – repair part cost from a parts catalog database is also displayed along with the cost estimate; column 6, lines 52-60 – based on the repair object information input into the system, the inspection program accesses a specifications database and only requests information as appropriate for the repair part for the

Art Unit: 3623

specified make, model and year of vehicle – inherently the repair part is of the same price group of the product that needs repaired since the system only accesses information appropriate for the specified make, model and year of vehicle).

As per **claim 18**, Cherrington et al does not explicitly teach prohibiting the new product information from being displayed in the client terminal, when a purchase date of the repair object product is within a predetermined period. Cherrington et al teaches accessing a parts catalog database for part information retrieval. It is inherent to the Cherrington et al system that an outdated part (or a part that was purchased long ago) would not be in the system because it would not be available. This is common in replacement parts with the evolution of technology, for example, the exact brake pads for an antique car may not be available, but a newer version with an updated part number may be, however, the original part would not be in the system and would not be displayed.

As per **claim 19**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 20**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 21**, Cherrington et al teaches allowing a client terminal to provide a display for urging a selection input of information for identifying each type of product as a repair object;

Art Unit: 3623

subsequently allowing said client terminal to display a question for checking a trouble state of an identified repair object product, when there is the selection input of the information for identifying the repair object product; identifying a trouble based on an answer and trouble information stored in a trouble information database; when there is the answer to the question from said client terminal; calculating an estimate of a cost required for a repair of the trouble and a date of delivery by identification of the trouble; allowing said client terminal to display the calculated estimate and the date of delivery and to provide a display for allowing a client to select presence/absence of a repair request or purchase of a new product; allowing the client terminal to provide a display for urging an input of client information such as a client name, when there is the selection input of the repair request from said client terminal; defining acceptance of the repair request, when there is the input of the predetermined client information from said client terminal; or allowing the client terminal to provide the display for urging the input of the client information such as the client name, when there is the selection input of the purchase of the new product from said client terminal and defining the acceptance of the purchase of the new product, when there is the input of the predetermined client information from said client terminal. (column 6, lines 52-60 – information regarding the repair item is input, in this case, automobile information such as make, model and year of vehicle; column 5, lines 9-52 - user is prompted to input repair request information during inspection of repair item, system presents inspection categories to select with questions following such as indicating the status of the repair part; column 6, lines 52-60 – based on the repair object information input into the system, the inspection program accesses a specifications database and only requests information as appropriate for the repair part for the specified make, model and year of vehicle; column 7,

lines 49-67 – based on the recommended services report, a cost estimate is displayed and the customer can agree to the suggested services and/or part replacements).

As per **claim 22**, Cherrington et al teaches diagnosing a repair, requesting customer approval and completing repairs, but does not explicitly teach instructing collection of the repair object product from the client, when the acceptance of the repair request is defined. However, it is inherent to the Cherrington et al system that the repair object, in this case an automobile, would be “collected” to perform the indicated repair work.

As per **claim 23**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 24**, Cherrington et al teaches radio-transmitting money collection information to a radio-mobile terminal, when the acceptance of the repair request is defined (column 9, lines 1-9 – check verification, automatic withdrawal from debit accounts and/or credit card verification is integrated into the point of sale terminal), but does not explicitly teach instructing collection of the repair object product from the client, when the acceptance of the repair request is defined. However, it is inherent to the Cherrington et al system that the repair object, in this case an automobile, would be “collected” to perform the indicated repair work.

As per **claim 25**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 26**, Cherrington et al teaches updating the trouble information of the trouble information database based on the identified trouble, when the trouble is identified (column 5, lines 13-52 – trouble information of the repair object, in this case an automobile, is updated in the system as the inspection process takes place).

As per **claim 27**, Cherrington et al teaches displaying questionnaires of a question selection system having different contents in the client terminal based on the selection input of the repair request, the selection input of unnecessary repair, or the selection input of the new product purchase; and taking answers to the questionnaires from said client terminal (column 5, lines 13-51 – depending on the repair request, different inspection categories are presented, the example in Cherrington shows inspection categories for a brake inspection).

As per **claim 28**, it is the computer system used to perform the method of claim 1. Since Cherrington et al also teaches the method of claim 1 carried out on a computer system, the same rejection as applied to claim 1 also applies to claim 28.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cherrington et al, US 6,070,155 – integrated automated analysis and repair

Inoue, US 5,317,503 – apparatus for calculating a repair cost of a damaged car

Art Unit: 3623


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-4566.

The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS
11/12/04


SUSANNA M. DIAZ
PRIMARY EXAMINER
AU.3623